

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1821

Introduced by Assembly Member Gordon
(Coauthors: Assembly Members Brown, Chávez, Fox, Melendez,
Muratsuchi, and Salas)

February 18, 2014

An act to add and repeal Chapter 5 (commencing with Section 1850) of Division 8 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 1821, as amended, Gordon. Medical foster homes.

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans. Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure of residential care facilities for the elderly by the State Department of Social Services. Existing law exempts from these provisions specified facilities, including general acute care hospitals, clinics, and recovery houses for individuals with drug or alcohol addiction. Existing law authorizes the California State Auditor, upon the request by the Joint Legislative Audit Committee and to the extent funding is available, to audit a state or local governmental agency, as defined, or any other publicly created entity.

This bill would establish the Medical Foster Home Pilot Program and would, *commencing June 1, 2015, and* until January 1, 2018, authorize a United States Department of Veterans Affairs (USDVA) facility to establish a medical foster home that is not subject to licensure or

regulation under the California Residential Care Facilities for the Elderly Act provided that specified federal requirements are satisfied, the USDVA facility establishing the home agrees to be subject to the jurisdiction of the California State Auditor, and the USDVA obtains criminal background information for caregivers and specified individuals residing in the home. The bill would state the intent of the Legislature that the California State Auditor, through a request to the Joint Legislative Audit Committee, conduct an audit evaluating the *pilot* program created by this bill no sooner than January 1, 2016, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to expand into
2 California the United States Department of Veterans Affairs
3 medical foster home program by authorizing the United States
4 Department of Veterans Affairs facilities in the state to establish
5 medical foster homes that are exempt from regulation under the
6 California Residential Care Facilities for the Elderly Act.

7 SEC. 2. Chapter 5 (commencing with Section 1850) is added
8 to Division 8 of the Military and Veterans Code, to read:

9

10 CHAPTER 5. MEDICAL FOSTER HOME PILOT PROGRAM

11

12 1850. This chapter shall be known and may be cited as the
13 Medical Foster Home Pilot Program.

14 1850.5. For purposes of this chapter, the following definitions
15 shall apply:

16 (a) “Medical foster home” has the same meaning as that term
17 is defined in Section 17.73 of Title 38 of the Code of Federal
18 Regulations.

19 (b) “Medical foster home caregiver” means the primary person
20 who provides care to a veteran resident in a medical foster home.

21 (c) “USDVA facility” means a United States Department of
22 Veterans Affairs facility.

23 (d) “Veteran resident” has the same meaning as that term is
24 defined in Section 17.73 of Title 38 of the Code of Federal
25 Regulations.

1 1851. A USDVA facility may establish a medical foster home
2 program in this state *no sooner than June 1, 2015*. A medical foster
3 home established pursuant to that program is not subject to
4 licensure or regulation under the California Residential Care
5 Facilities for the Elderly Act (Chapter 3.2 (commencing with
6 Section 1569) of Division 2 of the Health and Safety Code) if all
7 of the following requirements are satisfied:

8 (a) The medical foster home meets the requirements of Sections
9 17.73 and 17.74 of Title 38 of the Code of Federal Regulations.

10 (b) The USDVA facility submits a proposal to establish a
11 medical foster home program to the Director of Home and
12 Community-Based Care in Geriatrics and Extended Care Services
13 in the Central Office of the USDVA and that director authorizes
14 the program.

15 (c) The USDVA facility establishing the foster home agrees to
16 be subject to the jurisdiction of the California State Auditor for
17 the purpose of evaluating the program created under this chapter.
18 Consistent with this agreement, the USDVA facility shall provide
19 data, information, and case files as requested by the California
20 State Auditor to perform all of his or her duties in evaluating the
21 program created under this chapter.

22 (d) The United States Department of Veterans Affairs obtains
23 background information as required under Section 1853.

24 1852. It is the intent of the Legislature that the California State
25 Auditor, through a request to the Joint Legislative Audit
26 Committee, conduct an audit that assesses and evaluates the pilot
27 program created by this chapter no sooner than January 1, 2016.
28 It is the intent of the Legislature that the audit be used to do both
29 of the following:

30 (a) Evaluate the success of the pilot program by confirming that
31 the USDVA facilities are meeting their goals and standards.

32 (b) Make recommendations *to the Legislature* regarding the
33 continuation of the program, including, but not limited to,
34 recommendations regarding changes or reforms needed for
35 improvement of the program.

36 1853. (a) For each medical foster home established under this
37 chapter, the United States Department of Veterans Affairs shall
38 submit to the Department of Justice fingerprint images and related
39 information required by the Department of Justice of both of the
40 following for the purposes of obtaining information as to the

1 existence and content of a record of state or federal convictions
2 and state or federal arrests and also information as to the existence
3 and content of a record of state or federal arrests for which the
4 Department of Justice establishes that the individual is free on bail
5 or on his or her own recognizance pending trial or appeal:

6 (1) Medical foster home caregivers.

7 (2) Individuals, other than veteran residents, who are over 18
8 years of age and are residing in the medical foster home.

9 (b) When received, the Department of Justice shall forward to
10 the Federal Bureau of Investigation requests for federal summary
11 criminal history information submitted pursuant to this section.
12 The Department of Justice shall review the information returned
13 from the Federal Bureau of Investigation and shall compile and
14 disseminate a response to the United States Department of Veterans
15 Affairs.

16 (c) The Department of Justice shall provide a state or federal
17 level response to the United States Department of Veterans Affairs
18 pursuant to subdivision (p) of Section 11105 of the Penal Code.

19 (d) The United States Department of Veterans Affairs shall
20 request from the Department of Justice subsequent notification
21 service, as provided pursuant to Section 11105.2 of the Penal Code,
22 for the individuals described in subdivision (a).

23 (e) The Department of Justice shall charge a fee sufficient to
24 cover the reasonable costs of processing the request described in
25 this section.

26 (f) This section shall remain in effect until the date that the
27 United States Department of Veterans Affairs receives federal
28 authority to request criminal background checks of the individuals
29 described in this section, or January 1, 2018, whichever date occurs
30 first.

31 1855. This chapter shall remain in effect only until January 1,
32 2018, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, 2018, deletes or extends that date.